

E-filing

Charles Evans II - Pro Per
546 17th Street
Richmond, California 94801-2804
510.375.4197 - Cell
510.637.2845 - Desk
510.215.7779 - Home
charles.ii@sbcglobal.net

File
Paid
NP
(S)

FILED

MAR 28 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

C08-01697

ADR
5/

Charles Evans II individually,

Plaintiff,

vs.

Contra Costa County a municipal

corporation, John Gioia

individually and in his

Official Capacity as County

Supervisor; Mary Piepho

individually and in her

Official Capacity as County

Supervisor; Gayle Ulkema

individually and in her

Official Capacity as County

Supervisor; Federal Glover

individually and in his

Official Capacity as County

Supervisor; Susan Bonilla

individually and in her

Official Capacity as County

Supervisor, Defendants.

) Case No.:

) Complaint for Damages

) (42 U.S.C. § 1983)

) (42 U.S.C. § 1981)

) (42 U.S.C. § 1985)

) (42 U.S.C. § 1986)

) (California Civil)

DEMAND FOR JURY TRIAL

GO 44 SEC. N
NOTICE OF ASSIGNMENT
TO MAGISTRATE JUDGE SENT

JURISDICTION

1. This action arises under 42 U.S.C. § 1983. Jurisdiction is proper in this court pursuant to 28 U.S.C. § 1331, 1343(a)(1) & (3), and § 1367(a).

INTRADISTRICT ASSIGNMENT

2. Venue is proper and convenient in the Northern District of California, Oakland Division pursuant to 28 U.S.C. 1391(b) in that the alleged claims arose in the City of Martinez, State of California.

PARTIES

3. Plaintiff, Charles Evans II, a competent adult and is a person with standing to bring this action for the violation of his constitutional rights under 42 U.S.C. § 1983. Plaintiff, Charles Evans II, does hereby bring this action on his own behalf.

4. Plaintiff in this action is of African American decent.

5. Defendants John Gioia, Mary Piepho, Gayle Ulkema, Federal Glover and Susan Bonilla are officers of the Contra Costa County Board of Supervisors. All defendants identified in this Paragraph are being sued in their individual and official capacities.

6. Defendant CONTRA COSTA COUNTY is, and at all times relevant to this action was, a municipal corporation duly organized and existing under the laws of the State of California.

STATEMENT OF FACTS

1
2 7. On February 14, 2002 employees of Contra Costa County
3 conducted activities directed at Plaintiffs family which
4 subsequently gave rise to a USC 1983 Civil suit. The suit was
5 settled prior to any judicial determinations and all claims were
6 dismissed by plaintiffs. Plaintiff does not wish to raise claims
7 from a settled suit; however there is a historical relevance to
8 current claims. Despite the monetary settlement achieved by
9 civil litigation Mr. Evans continued to engage the county
10 government for answers and reassurances that the events he and
11 his family experienced would be addressed appropriately. During
12 his attempts he was treated with consistent indifference and
13 eventually denied due process, subjected to unequal application
14 of law and unreasonable limitations to free speech in a public
15 meeting.

16 8. The claims in this suit must be viewed in context of the
17 historical interaction of plaintiffs and defendants but the
18 specific claims are as follows:
19

20 9. During the time period from October 31, 2006 to September 27,
21 2007 plaintiff made several personal appearances to the County
22 Board Meeting held once every week plaintiff was not allowed to
23 speak on agenda items prior to being acted on by the board which
24 is contrary to State law. Defendants applied arbitrary policy
25 directives to plaintiff during public comment to limit his
26 ability to speak freely for a reasonable amount of time.
27 Defendants disregarded State law regarding public meetings in an
28 effort to avoid addressing plaintiffs concerns.

1 10. Plaintiff filed a county claim for damages after informal
2 complaints went largely ignored by defendants. Upon denying
3 plaintiffs county claim defendants disclosed county policy of
4 not getting involved in the claims of citizens until they were
5 denied and pursued with civil litigation. This is the only time
6 the defendants get involved in the concerns of the plaintiff
7 regardless of their merits.

8 11. This suit is being filed in order to receive the process
9 afforded by Contra Costa County, which has been articulated by
10 John Gioia as, County Supervisors do not get involved in the
11 resolution of citizen complaints to the county unless they are
12 pursued with further litigation.

13
14 **FIRST CLAIM FOR RELIEF**

15 (42 U.S.C. § 1983)

16 (VIOLATIONS OF CIVIL RIGHT TO FREE SPEECH)

17 12. Defendants acted under color of law in subjecting plaintiff
18 to a hostile public forum that limited his ability to express
19 speech aired to petition the County Government.

20
21
22 **SECOND CLAIM FOR RELIEF**

23 (42 U.S.C. § 1983)

24 (VIOLATIONS OF CIVIL RIGHT TO DUE PROCESS OF LAW)

25 13. Defendants acted under color of law in the denial of
26 plaintiff's right to speak on agenda items under public comment
27 before the board takes action on said item.
28

1 14. Defendants acted under color of law in the denial of
2 plaintiff's right to reasonable consideration to claims of
3 damage that were denied by board.

4
5 **THIRD CLAIM FOR RELIEF**

6 (42 U.S.C. § 1981)

7 (VIOLATIONS OF CIVIL RIGHT TO EQUAL RIGHTS UNDER LAW)

8 15. Defendants acted under color of law in applying unequal
9 rights to plaintiff in the determination of reasonable time to
10 speak during the public comment portion of Board meetings.

11
12 **SIXTH CLAIM FOR RELIEF**

13 (INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS)

14 16. By their conduct, as alleged above defendants embarrassed
15 and humiliated plaintiff in a public forum conducted on behalf
16 of the residents of Contra Costa County.

17
18 **SEVENTH CLAIM FOR RELIEF**

19 (NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS)

20 17. By their conduct, as alleged above defendants embarrassed
21 and humiliated plaintiff in a public forum conducted in the
22 behalf of the citizens of Contra Costa County.

23
24 Wherefore, plaintiffs pray judgment as follows:

25 On All Causes of Action

26 A. Compensatory general damages in the amount more
27 than \$25,000;
28

1 B. Punitive damages in an amount to be determined by a
2 Jury.

3 C. Injunctive Relief,
4

5 D. Declaratory Relief and
6

7 E. Such further relief as the Court deems just and proper.
8

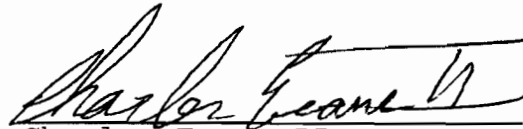
9 **CERTIFICATION OF INTERESTED ENTITIES OR PERSONS**

10 18. Pursuant to General Order No. 48, the undersigned certifies
11 that as of this date there is no such interest to report.

12 **JURY TRIAL DEMAND**

13 19. Pursuant To Civil L.R. 3 -6 plaintiffs preserve the right to
14 a jury trial.

15
16 Dated this March 27, 2008

17 
18 Charles Evans II - pro per
19
20
21
22
23
24
25
26
27
28